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Fifty-third Session

VERBATIM RECORD OF THE SIXTEEN HUNDRED AND SEVENTEENTH MEETING

Held at United Nations Headquarters, New York,
on Wednesday, 28 May 1986, at 3 p.m.

President: Mr. RAPIN (France)

- Examination of the annual report of the Administering Authority for the year ended 30 September 1985: Trust Territory of the Pacific Islands (continued)
- The future of the Trust Territory of the Pacific Islands (continued)
- Organization of work

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The meeting was called to order at 3.20 p.m.

EXAMINATION OF THE ANNUAL REPORT OF THE ADMINISTERING AUTHORITY FOR THE YEAR ENDED 30 SEPTEMBER 1985: TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1888 AND T/L.1249) (continued)

THE FUTURE OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS (T/1886) (continued)

The PRESIDENT (interpretation from French): I remind members that the sponsors of draft resolution T/L.1252 have requested that the draft resolution be considered and put to the vote this afternoon.

The Secretariat informed me yesterday morning that the draft resolution submitted by the United Kingdom and France had been distributed at the end of the meeting in the official languages. Accordingly, I stated that the draft resolution was available and invited delegations to obtain copies. I myself requested copies in each of the three languages. After the meeting, the sponsors informed me that they wished the Council to discuss and vote upon the draft resolution this afternoon. I considered it within my duties as President to inform the other two delegations on the Council at once of what I took to be the firm intention of the sponsors. I did this orally and in writing through the Secretariat. That afternoon, I assured myself that all delegations had copies of the draft resolution, requesting the Secretariat to ensure that each Mission received a copy in the appropriate working language.

I acted in this way, not so much in keeping with rule 57 of our rules of procedure, which does not require a 24-hour waiting period before members of the Council can put a draft resolution to the vote, but in keeping with the spirit in which I and former Presidents have always conducted the work of the Council: by communicating to all members any information they may receive at the time they receive it. It was my wish to make certain that all members had at least a minimum period of time - that is, 24 hours - to consider the draft resolution.

(The President)

I shall now call on delegations wishing to speak before the vote. If no delegation wishes to make a statement, we shall begin the voting procedure on draft resolution T/L.1252, introduced this morning by the representative of the United Kingdom.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We listened carefully to your interesting statement, Mr. President, and we wish to understand it thoroughly. You referred to the relevant rule of our rules of procedure. In that connection, we should like to know your views on the brief statement made on this matter by the Soviet delegation this morning. We have already informed you that it was only this morning that we heard the statement of the United Kingdom in which he introduced the draft resolution. After studying the text of the draft resolution over the lunch break, we had a number of questions we wished to put to the representative of the United Kingdom.

You have just spoken of beginning the voting procedure. Does that mean that we will be unable to question the sponsoring delegations about the draft resolution?

The PRESIDENT (interpretation from French): I would remind the representative of the Soviet Union that I invited delegations to speak before the voting process began, and that invitation still stands.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We have still not received a sufficiently clear explanation why the Council should vote on the draft resolution only about two hours after its introduction this morning. We spoke on the matter four times this morning and made major statements. Why should it be put to the vote now? We wish to ask questions and receive clarification from the sponsors. Then we can determine our position.

We should not rush into this very important decision, under which the Council is to make several requests. We are to meet until Friday, so we shall have enough time to discuss it in greater depth.

Mr. ROCHER (France) (interpretation from French): Since my delegation is a sponsor of the draft resolution, I wish to recall that - and this will surprise no one - the Council is at present concentrating on the end of the trusteeship. We have heard representatives from the Trust Territory and the Permanent Representative of the United States. It seemed to my delegation that the matter was clear - that we were nearing the end of consideration of the termination of the trusteeship. This morning the Council adopted two resolutions which the representative of the United Kingdom and I had introduced also this morning concerning the Visiting Missions to Micronesia. I think all delegations will agree that not much time was needed to deal with those two resolutions. I believe that we should be able to proceed in the same way this afternoon.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We listened very carefully to the representative of France, but, to be quite frank, his statement did not seem very logical or convincing. It reminds us of one of the works of Conan Doyle, Adventure of the Dancing Men. A wrong comparison is being made between the two resolutions we considered this morning and the draft resolution introduced by two delegations. You waited a few days, Mr. President, before you put to the vote a draft resolution circulated a few days

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ago. However, on a most delicate and complicated issue the sponsors of the draft resolution want to put it through at astronomical speed. We believe that this is almost anti-democratic. Two delegations know the contents of the draft resolution very well, as they obviously spent a long time in drafting it. The representative of France said that everything had been well known for a long time, if he was correctly interpreted. But the Soviet delegation learned the essence of the draft resolution only this morning. We have many questions to ask about it, and we should like some clarification. Every delegation has the right to ask questions about a draft resolution, hear explanations and carefully consider it - all the more so because this morning we had a very important discussion of matters of substance, and we expect there to be further thoughts on the part of the sponsors after we have put our questions.

Mr. EDWARDS (United Kingdom): My delegation does not understand - and so far as it does understand, does not agree with - what the representative of the Soviet Union has just said. Everyone in the Council knows that the issues addressed in draft resolution T/L.1252 are matters that we have been discussing for days and days.

As you pointed out at the beginning of the meeting, Mr. President, the draft resolution sponsored by my delegation and the delegation of France has been available since 1 p.m. yesterday. That is plenty of time for delegations to see and to understand what it contains. When introducing it this morning on behalf of ourselves and the delegation of France, we explained paragraph by paragraph - first the preambular paragraphs and then the operative paragraphs - what it was about. We have nothing to add to our explanations given then. The issues are very clear and straightforward, and we therefore see no reason why we should not proceed to a vote.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): Does the comment of the representative of the United Kingdom mean that he does not think it is possible to discuss the draft resolution?

Mr. EDWARDS (United Kingdom): Of course, anything is possible. What I am suggesting is that the right way in which to proceed, given the remarks that I have just made and the remarks made by my delegation this morning, is to accept that nothing concerning the draft resolution can usefully be discussed further. The issues have been discussed for days and days and the precise draft resolution has been available since 1 p.m. yesterday. We all know what is in it and what it says. Therefore, it seems to me to be useless to go on discussing these matters, and we should now proceed to a decision.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): We listened carefully of the reply of the representative of the United Kingdom to our question. That reply was clear and unambiguous.

The record of this meeting should state that the Soviet Union was deprived of the opportunity to discuss the draft resolution before the Trusteeship Council.

Mr. SCHRICKE (France) (interpretation from French): My delegation finds it difficult to understand why the Soviet delegation is asking for permission to ask its questions rather than simply asking them. If the representative of the Soviet Union has questions which it could be useful for us to discuss, it would surely be more expeditious for him simply to ask them. If they feel they can, the sponsors of the draft resolution will answer them.

In any event, we of course cannot accept that the Soviet delegation or any other delegation be deprived of the right to engage in discussion of the draft resolution.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): What the representative of France has just said is substantially different from what was said by the other sponsor of the draft resolution, the representative of the United Kingdom, who stated that since everything is already clear the draft resolution should be put to the vote. The representative of France has just said that we can ask questions and discuss the draft resolution. There are procedural and organizational matters here which remain unclear, and we would like the President to clarify the matter. That is why we asked a procedural question on the approach to the draft resolution. One sponsor says that we should end this discussion and immediately proceed to the vote and the other sponsor says that he is prepared to discuss the draft resolution. Let us have some clarity here.

The PRESIDENT (interpretation from French): I may not be any more clear-minded than anyone else here, but this is how I understand the situation:

(The President)

One of the sponsors has expressed doubt about the advisability of commencing a new discussion on the termination of the trusteeship, but, as I understood him, did not object to such discussion. The other sponsor expressed willingness, as long as not too much time was taken up, to hear the questions of the representative of the Soviet Union, upon which the sponsors would then decide whether it would be useful to proceed to a discussion of those questions.

I therefore invite the representative of the Soviet Union to ask his questions of the sponsors of the draft resolution.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): The Soviet delegation would like, then, to have some clarification. To which of the sponsors ought our questions to be addressed?

Mr. EDWARDS (United Kingdom): This Council is supposed to be a serious body. The Soviet Union is now playing silly games. The President's last statement reflected exactly the views of my delegation. We do not think that it would be useful to enter into a question-and-answer session on draft resolution T/L.1252. But, of course, if others - in particular the Soviet Union - think it would be useful for them to ask some questions, then I am prepared to listen to those questions and decide whether or not we think it would be appropriate to answer them.

The situation is quite clear. If the Soviet Union would be kind enough to ask its questions, then one or the other of the sponsors will decide whether it will answer them.

The PRESIDENT (interpretation from French): I think we should put an end to these procedural arguments, and I ask the representative of the Soviet Union to be good enough to ask his questions; the sponsors will decide which of them should determine whether to answer them.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): The representative of the United Kingdom has just said that he would

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decide whether or not to answer our questions; he does not guarantee discussion of the draft resolution. I have no alternative but to return to my delegation's initial point: We are prepared to speak to this draft resolution at the appropriate time.

The PRESIDENT (interpretation from French): In the circumstances, as I said at the outset of this meeting, and in accordance with the wishes of the sponsors, I now put to the vote draft resolution T/L.1252, introduced this morning by the representative of the United Kingdom.

The draft resolution was adopted by 3 votes to 1.

The PRESIDENT (interpretation from French): I shall now call on delegations wishing to make statements after the vote.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): First of all, my delegation wishes to point out that this resolution was adopted undemocratically.

The Soviet delegation wishes now to make some comments on the draft resolution submitted by the delegations of France and the United Kingdom (T/L.1252). Article 83 of the United Nations Charter states that

"All functions of the United Nations relating to strategic areas, including the ... alteration or amendment [of trusteeship agreements] shall be exercised by the Security Council".

That means that the question of the termination of a trusteeship agreement should be considered and decided by the Security Council. It is that body which has the authority to take a decision on this matter.

Article 83 states further that

"The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the

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United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas."

It is thus very clear that by the terms of Article 83 of the United Nations Charter the Trusteeship Council has no authority to alter, much less terminate, a trusteeship agreement. The present Trusteeship Agreement was adopted by the Security Council, not the Trusteeship Council. The Trusteeship Council thus has no power to consider the termination of the trusteeship in Micronesia.

The draft resolution submitted by France and the United Kingdom proposes that the Trusteeship Council carry out functions not merely not part of its powers but actually contrary to the Charter of the United Nations. Specifically, in paragraph 2 the Trusteeship Council requests the Government of the United States - note that there is no reference here to the Administering Authority, but rather to a specific State - in consultation with the Governments of the States of Micronesia to agree on a date for the full entry into force of the Compact of Free Association and Commonwealth Covenant and to inform the Secretary-General of that date. Furthermore, the date for the entry into force is actually specified.

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Paragraph 3 of the Anglo-French draft resolution

"Considers that the Government of the United States, as the Administering Authority, has satisfactorily discharged its obligations under the terms of the Trusteeship Agreement"

and even refers to a date for termination of that Agreement. The sponsors of the draft resolution are clearly acting contrary to the true state of affairs, and that is that, as was pointed out by the Soviet delegation, including in a statement today, the United States, as the Administering Authority, has not fulfilled its obligations either under the Trusteeship Agreement or under the United Nations Charter, or even in accordance with the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

Paragraph 1 of the draft resolutions states that, purportedly, in all four parts of Micronesia the peoples have exercised their right to self-determination. And that, although it is quite clear that in actual fact the Micronesian peoples' free exercise of their right to self-determination has not been achieved and could be achieved. That is borne out by the letter distributed this morning informing us that the matter is under consideration at this very moment by the Supreme Court of Palau.

Indeed, it is quite clear that the Micronesian people cannot exercise their right to self-determination because there can be no question of free association or self-determination when all the efforts of the Administering Authority, as has been made clear in the detailed statement of the Soviet delegation this morning, have been devoted to transforming Micronesia into a neo-colonialist possession of the United States and when the Micronesian people have been placed in a position of total political and economic dependence upon the United States.

In paragraph 2 of the draft resolution the sponsors propose that the Trusteeship Council endorse the entry into force of the so-called Compact of

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so-called free association and the Commonwealth Covenant, and this is being done despite the fact that neither the Trusteeship Council nor the Security Council nor any other United Nations organ is in a position to know exactly what is contained in those documents. This morning the Soviet delegation noted that those documents had not been submitted for official consideration by the members of the Trusteeship Council, nor have they ever been considered in the Council.

At the same time, the various points raised by the Soviet delegation in reference to questions raised by the petitioners demonstrate that those documents are clearly neo-colonialist in nature and that they are imposed on the peoples of Micronesia through the use of economic blackmail and the arbitrary actions of the Administering Authority.

In the preambular part of the draft resolution it is alleged that the long process of political status negotiations "has been successfully completed". That is a distortion of the actual facts, if we look at the genuine interests of the Micronesian people. The fact is that those negotiations were successful only for Washington and the Pentagon. The fact is that the so-called negotiations were carried out in unequal circumstances in which the Micronesians were put in a position and under conditions in which they had no choice but to submit to the diktat of the United States.

In conclusion, the Soviet delegation wishes to state that we cannot agree with either the form or the substance of the draft resolution submitted by the delegations of the United Kingdom and France. We therefore voted against its adoption.

Mr. EDWARDS (United Kingdom): My delegation was hoping that it would not have to speak again, following the vote on the draft resolution, but I cannot let go by the assertion by the representative of the Soviet Union a few minutes ago that we have just adopted the draft resolution "undemocratically".

(Mr. Edwards, United Kingdom)

In that respect, I would like to make three points: First, ample opportunity, as I said before, was given to consider the points contained in the draft resolution; secondly, the delegation of the Soviet Union could indeed, this afternoon before we voted, have asked questions of the sponsors, but in the end decided not to do so; and, thirdly, we then voted on the draft resolution, and it succeeded by 3 votes in favour and one against.

I find it difficult to grasp the concept that if one votes on something, that is somehow undemocratic.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): Indeed, had the Micronesian people been given the same opportunities as the Soviet delegation was given during this vote, everything would have been much clearer.

Miss BYRNE (United States of America): I would first like to comment on the allegation made by the representative of the Soviet Union that the Compacts of Free Association were not available to the members of the Trusteeship Council. I want to say that this question arose in our special session in February 1986, in connection with the Administering Authority's request that the Trusteeship Council send a Visiting Mission to observe the plebiscite in Palau on 21 February. I answered then - and I shall now repeat that answer.

(Miss Byrne, United States)

The Compact of Free Association that concerned the Federated States of Micronesia and the Republic of the Marshall Islands was provided to the United Nations in February 1986, after its adoption by the United States Congress. That Compact for the Federated States of Micronesia and the Marshall Islands had previously been provided to the Secretariat and delegations in connection with the 1983 Visiting Mission. The Palau Compact of Free Association was provided to the Secretariat in connection with the deliberations concerning the February 1986 Visiting Mission. That is a matter of fact.

The representative of the United Kingdom has answered very well the allegation that this resolution was adopted in an undemocratic manner; he has refuted that charge very well. We add that the resolution was circulated in accordance with the rules of procedure, the President announced its availability at 1 p.m. yesterday - we know it was available because we got it then - in English and Russian, and we noticed that a member of the Soviet Union delegation also obtained copies of it. There was therefore ample time to consider it.

The intent of my delegation to seek termination has been known to all members of the Council for some time. I think at least a week ago I informed Ambassador Kutovoy, informally, of our intention. At that point I told him "perhaps", but that was during the meeting of informal consultations at which we adopted the provisional agenda, formally adopted later, which has been stretched out somewhat by circumstances of which we are all aware. But I told him then that agenda item 14 was intended to cover the possibility of our seeking termination; later we confirmed that we were in fact seeking termination. Ambassador Walters' statement in the Council on 16 May made it quite plain that, in response to the request of the four Micronesian delegations made extraordinarily clearly in this body earlier that week, we were seeking termination. So there can be no surprise.

(Miss Byrne, United States)

I should like now to make a few positive comments about the adoption of this resolution. This is a historic session of the Trusteeship Council. The representatives of the constitutional Governments of the Northern Marianas, the Marshall Islands, the Federated States of Micronesia and Palau began the session by asking the Trusteeship Council to take action to terminate the Trusteeship without delay. The Permanent Representative of the United States of America, in his statement to the Council on 16 May, formally requested that the Council recognize that the time had come to terminate the Trusteeship. Representatives of all the members of the South Pacific Forum which are Members of the United Nations appeared before the Council on 21 May, in response to the appeal of the Micronesians, to urge the Council to act positively on the request for termination. The Permanent Representative of France and the Deputy Permanent Representative of the United Kingdom spoke during the general debate on 27 and 28 May to endorse the call for termination.

My delegation is delighted that the Council has chosen to respond to the appeal by the Micronesians, the representatives of the South Pacific States and the United States of America. This is a day my delegation has long awaited; most importantly, it is a day the Micronesians had long awaited. This Council has their gratitude and ours.

Mr. KUTOVOY (Union of Soviet Socialist Republics) (interpretation from Russian): I have two comments on the statement of the representative of the United States. First, this morning when the Soviet delegation spoke in the general debate and again this afternoon it noted - and I ask that attention be paid to this - that the Compacts themselves were not officially presented to the Trusteeship Council for consideration. It is quite clear that there is a difference between whether or

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not the Administering Authority made texts of the Compact available to the Secretariat and the official presentation of the Compact for consideration by the Trusteeship Council. That difference is substantial.

Secondly, the representative of the United States, for the second time during this session of the Trusteeship Council, referred to a private conversation that took place on the day when we discussed informally the organization of the work of the session. Unlike her, it is not my practice to discuss in public what is said in private conversations.

The PRESIDENT (interpretation from French): We have thus concluded the voting procedure.

I call on the High Commissioner to make her traditional final statement.

Mrs. McCOY (Special Representative): Thank you, Mr. President; and thanks also to the Trusteeship Council for this vote. All representatives know how long I have been looking for it.

We have, we believe, come to the point in our deliberations where we can safely say that history has been made. After countless years of closing statements that expressed hope for eventual termination of the Trusteeship Agreement and full self-government for the Micronesian people, we can now, with a greater degree of certainty than ever before, say that the time has come and we are ready to close the books on the Administering Authority and the Trusteeship Council.

I am certain that I express thoughts shared by most of our delegations, that it is not without some mixed emotions that I make what we hope is my last closing statement, at the last regular session of the Trusteeship Council considering the termination of the last remaining Trusteeship, speaking as the last High Commissioner.

(Mrs. McCoy, Special Representative)

On the one side, I shall always remember the give and take of the discussions in this Chamber and the unwavering courtesy and respect with which even the most diametrically opposed positions were supported or criticized. It has been possible for me to consider that even though we may have different ideologies in some cases, we can still be friends. I sincerely hope that this lesson is not lost on other levels of diplomatic endeavour.

(Mrs. McCoy, Special Representative)

Of course, termination of the Trusteeship will also mean termination of the visiting missions. Over the past five years, it has been my sincere pleasure to meet Council members and staffers who have come to the islands and seen for themselves the conditions on which they were to report at the sessions of the Council. I know that those missions, physically and mentally gruelling though they often were, were very important contributions to a greater understanding of what eventual termination would mean to the Micronesians and to the United Nations role in that process. It also meant that the Administering Authority had to keep on its toes and correct or address deficiencies and problems discovered and reported by those missions.

We are particularly pleased to note that the latest regular Visiting Mission's report (T/1878), in paragraph 8, while mentioning some dissenting opinions, recommends termination "as soon as possible", correctly reflecting the views of the overwhelming majority of Micronesians.

While I do not foresee any further missions, I want to take this opportunity to invite everyone here, in both the Council and its secretariat, to give very serious consideration to coming to observe the termination ceremonies when they take place. We hope that as many present and former members of visiting missions as possible will find their way clear to join us on that historic and once-in-a-lifetime occasion. Of course, a very special invitation goes to our friends in the Soviet delegation. I will personally see to it that they have red-carpet treatment all the way.

I cannot describe the pleasure it gives me actually to be a part of this termination process. It represents the culmination of nearly 40 years' effort to bring the Micronesian islands to the point where their own free acts of self-determination can lay the solid foundation for their own future with optimism and hope.

(Mrs. McCoy, Special Representative)

In those 40 years we have seen the islands develop from war-devastated wastelands to thriving centres of economic growth. We have seen a Government operated out of Washington transform itself gradually into four constitutional Governments designed and operated by the Micronesian people themselves. In those early years, when the adult population had at best five years of education under the previous Administration, the Administering Authority built up an education system that is today turning out college graduates, doctors, lawyers and professionals. We have come a long way.

When I think that in a short while we shall be welcoming four new political Governments to the world's roster, I am not able to find any real precedent in history or anything like it pending elsewhere. It is a unique and once-in-a-lifetime occasion. And while there will always be critics - such as many of the petitioners who have come before this body - I believe that the Council can be proud of its role in fostering self-government and self-determination in the islands. I firmly believe that the record of the United Nations Trusteeship Council in this process has been a positive and forward-looking one.

It is with deep appreciation that I thank the South Pacific Members of the United Nations for their statements of support.

Very special recognition should go also to the Secretariat staff who have so diligently managed Trust Territory affairs for the Council and provided it with advice and counsel, as well as to the Administering Authority. We wish them well in whatever endeavours fall their way when this last Trusteeship is finally closed.

Finally, let me say how much I am going to miss all the members of the Council whom I have come to know and count as friends for so many years. To all of you I wish the very best and hope to see you out in the islands for the last time in an

(Mrs. McCoy, Special Representative)

official capacity at termination, and then unofficially at some time in the future when we can sit around and reminisce about those good old days in May when we had these Council sessions.

Without further ado, thanks again and best of luck to everyone.

The PRESIDENT (interpretation from French): I extend to the High Commissioner my warmest, friendliest best wishes for success in her future endeavours.

ORGANIZATION OF WORK

The PRESIDENT (interpretation from French): Following the proposals I made this morning about our work I held further consultations and all delegations agreed - bearing in mind the fact that the consideration of some agenda items had taken more time than scheduled - to extend our work by holding one or two meetings next week. My proposal is that we resume our work at 10.30 a.m. on Friday. Meanwhile I shall contact all delegations members of the Council to decide on the schedule for the end of our work this week and next week and try to reach agreement on it before the meeting on Friday morning, at which time I hope to be able to make known the final schedule.

If I hear no comments, we shall proceed accordingly.

The meeting rose at 4.15 p.m.